

MAY 23 2006

**CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS**

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

ZAMEER R. AZAM,

Plaintiff - Appellant,

v.

CONTRA COSTA TIMES,

Defendant - Appellee.

No. 05-16326

D.C. No. CV-05-00494-MHP

MEMORANDUM^{*}

Appeal from the United States District Court
for the Northern District of California
Marilyn H. Patel, District Judge, Presiding

Submitted May 15, 2006 ^{**}

Before: B. FLETCHER, TROTT, and CALLAHAN, Circuit Judges.

Zameer R. Azam, a California state prisoner, appeals pro se from the district court's judgment dismissing for failure to state a claim his 42 U.S.C. § 1983 action alleging defendant newspaper published libelous matter accusing Azam of

^{*} This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

^{**} The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

felonious acts. We review do novo a dismissal under 28 U.S.C. § 1915(e)(2), *Huftile v. Miccio-Fonseca*, 410 F.3d 1136, 1138 (9th Cir. 2005), and we may affirm on any ground supported by the record, *Graves v. City of Coeur D'Alene*, 339 F.3d 828, 846 n.23 (9th Cir. 2003). We affirm.

Dismissal of this action was proper, because Azam failed to allege that the Contra Costa Times' actions deprived him of a constitutional right. *See Balistreri v. Pacifica Police Dep't*, 901 F.2d 696, 699 (9th Cir. 1990); *Paul v. Davis*, 424 U.S. 693, 712 (1976) (allegations of defamation alone are insufficient to support a section 1983 claim).

The remaining contentions lack merit.

Azam's motions for this court to take judicial notice of materials relating to his criminal proceedings are denied.

AFFIRMED.